

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMPEX CORPORATION,

Plaintiff,

v.

EASTMAN KODAK COMPANY,
ALTEK CORPORATION, and
CHINON INDUSTRIES, INC.,

Defendants.

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)
)
)
) C.A. No. 04-1373 (KAJ)
)
)

) **PUBLIC VERSION**
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**SUPPLEMENTAL DECLARATION OF RAY R. ZADO IN SUPPORT OF
AMPEX CORPORATION'S MOTION FOR SUMMARY JUDGMENT THAT U.S.
PATENT NO. 4,821,121 IS NOT UNENFORCEABLE DUE TO
ALLEGED INEQUITABLE CONDUCT FOR FAILURE TO DISCLOSE
THE QUANTEL DLS6000, QUANTEL PAINTBOX, OR AMPEX AVA SYSTEMS**

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Original Filing Date: June 20, 2006

Redacted Filing Date: June 27, 2006

I, Ray R. Zado, declare:

1. I am a member of the bar of the State of California, and an associate with the firm of Ropes & Gray, 525 University Avenue, Suite 300, Palo Alto, California, counsel to Complainant Ampex Corporation ("Ampex") in this investigation.

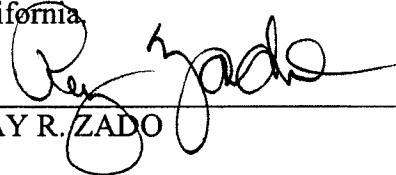
2. I make this supplemental declaration in support of Ampex Corporation's Motion For Summary Judgment That U.S. Patent No. 4,821,121 Is Not Unenforceable Due To Alleged Inequitable Conduct For Failure to Disclose the Quantel DLS6000, Quantel Paintbox, or Ampex Ava Systems. Unless specifically indicated otherwise, this Declaration is made based on personal knowledge.

3. Attached hereto as Exhibit 26 is a true and correct copy of selected pages from the transcript of the Deposition of Richard J. Taylor, taken in ITC Investigation No. 337-TA-527 on June 6-7, 2005.

4. Attached hereto as Exhibit 27 are true and correct copies of selected pages from the Deposition of Richard J. Taylor, taken in this action on April 28, 2006.

5. Attached hereto as Exhibit 28 are true and correct copies of selected pages from the Deposition of Alan Cavallerano, taken in this action on May 3, 2006.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th day of June, 2006, at Palo Alto, California.



RAY R. ZADO

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on June 20, 2006, I caused to be electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

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EXHIBIT 26

SEALED DOCUMENT

EXHIBIT 27

VOLUME: I

PAGES: 1-146

EXHIBITS: 40-52

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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AMPEX CORPORATION,

Plaintiff,

v.

Civil Action

EASTMAN KODAK COMPANY, ALTEK

No. 04-1373-KAJ

CORPORATION and CHINON

INDUSTRIES, INC.,

Defendants.
----- x

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VIDEOTAPED DEPOSITION of RICHARD J. TAYLOR

April 28, 2006

9:38 a.m.

Ropes & Gray LLP

One International Place

Boston, Massachusetts

Reporter: Michael D. O'Connor, RPR



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RICHARD J. TAYLOR April 28, 2006

03:26:51 1 A. Yes, it does.

03:26:59 2 Q. On Paragraph 146, on Page 48 you state
03:27:08 3 that, "The 6030 could receive full-sized video
03:27:12 4 images from an external source, such as a television
03:27:16 5 broadcast or video camera. The input full-sized
03:27:19 6 image was stored in the preview" --

03:27:22 7 A. You've completely lost me. What page are
03:27:23 8 we on?

03:27:26 9 Q. Page 48, Paragraph 146.

03:27:29 10 A. Thank you. I was just reading from the
03:27:33 11 last two sentences. "The DLS 6030 could receive
03:27:36 12 full-sized video images from an external source,
03:27:40 13 such as a television broadcast or a video camera.
03:27:43 14 The input full-sized image was stored in the preview
03:27:47 15 frame store for display."

03:27:50 16 That's also shown in the Taylor patent,
03:27:52 17 right, the '776 patent? For example, Figure 1, Item
03:28:28 18 12, is a camera, which is an external source, right?

03:28:47 19 A. Item 12 is a camera; that's correct. I was
03:28:52 20 just pondering the sentence, the input which you
03:28:59 21 also read, which was "The input full-sized image was
03:29:02 22 stored in preview frame store for display." I would
03:29:09 23 add the caveat that I have in previous answers, that
03:29:11 24 the arrangement of Figure 19 is different to the

RICHARD J. TAYLOR April 28, 2006

03:29:15 1 6030.

03:29:20 2 Q. Then in Paragraph 147 you talk about random
03:29:25 3 access memory with an input port and an output port.
03:29:31 4 Is it correct that the random access memories that
03:29:33 5 are discussed in the '776 patent have an input port
03:29:37 6 and an output port?

03:30:21 7 A. Yes.

03:30:23 8 Q. Paragraph 148, again, talks about a disk
03:30:27 9 storage, and you agree that the '776 discloses a
03:30:32 10 disk storage to store video image data; is that
03:30:37 11 right?

03:30:37 12 A. Yes.

03:30:39 13 Q. Paragraph 149 talks about storing a
03:30:44 14 full-sized image in random access memory. That is
03:30:52 15 shown and disclosed in the '776 patent, correct?

03:31:09 16 A. Yes.

03:31:10 17 Q. On Paragraph 150, it then talks about
03:31:13 18 storing the full-sized image on disk, and that
03:31:16 19 capability is disclosed in the '776 patent, correct?

03:31:28 20 A. Yes.

03:31:28 21 Q. Now, in Paragraph 151, there's a discussion
03:31:36 22 about the meaning of selectively generating, and you
03:31:38 23 go on to say that the size reducer and the DLS 6030
03:31:43 24 could create a reduced sized lower resolution image

EXHIBIT 28

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF DELAWARE

4 -----x
5 AMPEX CORPORATION,

6 Plaintiff,

7 -against-

C.A. No.
04-1371-KAJ

8 EASTMAN KODAK COMPANY, ALTEK
9 CORPORATION and CHINON INDUSTRIES,
INC.,

10 Defendants.
11 -----x

12 May 3, 2006
13 9:08 a.m.

14 Videotaped Deposition of ALAN
15 CAVALLERANO, taken by Defendants,
16 pursuant to Notice, at the offices of
17 Wilmer Cutler Pickering Hale and Dorr
18 LLP, 399 Park Avenue, New York, New
19 York, before ERIC J. FINZ, a Shorthand
20 Reporter and Notary Public within and
21 for the State of New York.
22
23
24
25

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02:47 1 ALAN CAVALLERANO

2:02:51 2 column 4, lines 45 to 49.

2:02:53 3 MR. BEAMER: You are on the
2:02:54 4 '776 patent?

2:03:01 5 THE WITNESS: Yes.

2:03:04 6 Q. Is it your expert opinion
2:03:09 7 that the '776 patent, column 4,
2:03:12 8 discloses the browse of reduced size
2:03:13 9 images?

2:03:14 10 A. Yes. Actually I was going
2:03:17 11 to point us to several locations. For
2:03:20 12 example, column 3, lines roughly --
2:03:24 13 actually 54 -- excuse me, 55 even says
2:03:31 14 "this browse facility," it's talking
2:03:34 15 about polyphoto formats. And in column
2:03:47 16 4, lines 45 to 49. I'm sorry, I would
2:03:49 17 like to just correct myself on the
2:03:52 18 lines 45 to 49. I'll stick with the
2:03:55 19 column 3 citing.

2:03:57 20 Q. And is it your expert
2:03:59 21 opinion that what you've referenced in
2:04:02 22 column 3 discloses the browse of
2:04:04 23 reduced size images?

2:04:07 24 A. This in conjunction with my
25 reading of the patent. Because if we

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ALAN CAVALLERANO

04:13 1
2:04:16 2 look earlier on in column 3, line 39,
2:04:18 3 it says "the contents of the disk store
2:04:20 4 may hold several hundred separate
2:04:22 5 pictures and the problem of examining
2:04:25 6 the contents of this store in order to
2:04:30 7 find a picture you need exists." Then
2:04:32 8 down further to my citing about the
2:04:34 9 browse facility with polyphoto format,
2:04:41 10 a polyphoto format would, it's a total
2:04:43 11 of 64 miniature pictures.

2:04:47 12 So it is a browse of images
2:04:51 13 that have been reduced in size and put
2:04:56 14 into like a montage. So I have to be
2:05:02 15 explicit that it is browsing smaller
2:05:05 16 versions of the full size images that
2:05:09 17 are within the machine.

2:05:10 18 Q. Okay. Is it your expert
2:05:16 19 opinion that the '776 patent discloses
2:05:19 20 the browse of reduced size images that
2:05:21 21 have been stored on disk?

2:05:22 22 A. That's my understanding from
2:05:25 23 reading the patent, yes.

2:05:27 24 Q. If the '776 patent
25 discloses the browse of reduced size

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ALAN CAVALLERANO

images that have been stored on disk,
what is the invention of the '121
patent?

A. The invention is the method
of generating these reduced size images
that are put on the disk and read from
the disk in reduced form, rather than
generating them, like in the '776,
where all that's being done is the
images are stored as a polyphoto. And
then retrieved that way. So one needs
to create this polyphoto for the
browse.

The browse is not described
to be generated by storing the reduced
size images first. They are either
read out from the disk and reduced in
size sort of on the fly, or if
something, we do know in figure 19, the
size reducer is interposed from the
frame store to the disk store. So even
that concept is there. But in terms of
a total method, that is not described
in the '776.

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